

AUG 24 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N. HAITEN, CLERK
By: *[Signature]*
Deputy Clerk

UNITED STATES OF AMERICA,)
Plaintiff,)

v.)

SCOTT HINTZ,)
Defendant)

No. 1:03-CR-131-CC-CCH
EMERGENCY HEARING REQUESTED

MOTION TO REMOVE CONFLICTED COUNSEL DENNIS C. O'BRIEN and
MOTION TO APPROVE PRO SE REPRESENTATION

NOW COMES Scott Hintz and respectfully requests leave to file:
this motion to remove conflicted counsel Dennis C. O'Brien and Motion
to approve Pro Se representation.

On August 24, 2011 appointed attorney Dennis C. O'Brien has
become an adverse party to this Defendant related to the criminal
and civil claims against Dennis C. O'Brien. Dennis C. O'Brien, his
criminal attorney, and other people associated with them have made
statements, and have continued to act, against the interests of this
Defendant in attempts to try to keep Dennis C. O'Brien from being
arrested; see and herein incorporate attached Exhibit A.

Defendant would rather procede Pro Se than be forced "forced"
to use conflicted counsel Dennis C. O'Brien who is alleged (with sworn
statements) to have committed various state crimes against this
Defendant and others. Dennis C. O'Brien is also a defendant to this
Defendant's civil action claims against Mr. Dennis C. O'Brien.
Defendants in criminal cases have a constitutional right to procede
pro se, and counsel may not be imposed on them over their

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objection. Faretta v. California, 422 U.S. 806 (1975).

AFFIDAVIT

I, Scott Hintz, state the following statements are true pursuant to the pursuant to 28 U.S.C. Section 1746:

1. Since July 19, 2011, Dennis C. O'Brien has refused to call me, he has refused to meet me at any local police departments to discuss the crimes of his friends who are trying to unjustly affect the outcome of this case, and he has refused to provide me a copy of my habeas client file materials and information.
2. I have valid civil and criminal complaints against Dennis C. O'Brien. Dennis C. O'Brien has made statements and taken actions directly in conflict with my valid and just interests in this case. Mr. O'Brien has attempted to have me not tell the truth about certain items relating to this case.

Stating the above are true, I hereby state the above this 24th day of August 2011.

For all of the above reasons, this Court should immediately remove conflicted counsel or minimally allow this Defendant Pro Se representation.

This 24th day of August 2011.

Respectfully submitted,



Scott Hintz
6025 Sandy Springs #258
Sandy Springs, GA 30328
(404) 665-3553

CERTIFICATE OF SERVICE

I, Scott Hintz, certify I have served upon:

AUSA Leslie J. Abrams
600 U.S. Courthouse
75 Spring Street, SW
Atlanta, GA 30303

A true copy of the foregoing filing.

This 24th day of August 2011 by hand-delivering same to AUSA Abrams' office.

Respectfully,


Scott Hintz

From: Scott Hintz
Date: Wed, 24 Aug 2011 12:34:02 +0000
To: Thomas Shell<Thomas.Shell@usdoj.gov.readnotify.com>
ReplyTo: Scott Hintz
Subject: Please see this before your meeting, this morning, with Clarence Cooper (the individual).

Mr. Shell,

I am unsure if any AUSA informed you of the fact that Dennis C. O'Brien is an adverse party to me in civil and criminal matters alleged against him that are outside the scope of the record of the United States District Court of Atlanta. I also think it is important to note that the record of my case before Judge Clarence Cooper (1:03-CR-131-CC) does not reflect ANY filings or communications from Dennis C. O'Brien since his appearance before Judge Cooper during our July 19, 2011 hearing.

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During your meeting this morning, please ask Judge Clarence Cooper if he has had

"ANY PERSONAL communications with, ANY PERSONAL acts with, or ANY PERSONAL knowledge from interactions with any of the following people: Dennis C. O'Brien, Mark Kadish, Jerome Froelich, Robert Willison, Michael Garone, Paul Morochnik, Alan Baverman or Joseph Stellmack"

Please also ask Judge Clarence Cooper for

"the approximate dates he has in any way interacted or communicated with each of the above-listed people in ANY communication or act that is NOT reflected in the record of ANY federal court case."

Thank you, again, for your assistance in these very important matters.

Sincerely,
Scott Hintz

From: Scott Hintz
Date: Wed, 24 Aug 2011 02:05:00 +0000
To: Thomas Shell<Thomas.Shell@usdoj.gov>
ReplyTo: Scott Hintz
Subject: Re: Subpoena

Mr. Shell,

I truly appreciate your efforts. I am sorry that their "personal knowledge and activities" are causing you work on these items at 10pm at night.

Again, I thank you for your efforts. I do appreciate what you are doing. Have a great night.

Sincerely,
Scott Hintz

From: "Shell, Thomas (USMS)" <Thomas.Shell@usdoj.gov>
Date: Tue, 23 Aug 2011 20:58:47 -0500
To: Scott Hintz
Subject: Re: Subpoena

Have appointment with him in morning. Will advise immediately after Tom Shell

From: Scott Hintz
Sent: Tuesday, August 23, 2011 09:27 PM

Exhibit A

To: Shell, Thomas (USMS)
Subject: Re: Subpoena

Mr. Shell,

Thank you for following up on the personal legal service of Alan Baverman (the individual). Have you been able to get Clarence Cooper (the individual) to agree to the same?

I appreciate your efforts.

Sincerely,
Scott Hintz

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From: "Shell, Thomas (USMS)" <Thomas.Shell@usdoj.gov>
Date: Tue, 23 Aug 2011 19:37:38 -0500
To: Scott Hintz
Subject: Re: Subpoena

I just spoke with Judge Baverman. He will make himself available to testify Tuesday. He appeared in Fulton County without proper service and will accept a subpoena service again as last. I will follow up with you tomorrow.
Tom Shell

From: Scott Hintz
Sent: Tuesday, August 23, 2011 07:26 PM
To: Shell, Thomas (USMS)
Subject: Re: Subpoena

Mr. Shell,

Thank you for your efforts. I want to get these items complete before the next story comes out. The camera crews have already filmed some stories related to Sunday's story:

<http://www.wsbtv.com/news/28930284/detail.html?taf=atl>

Thank you,
Scott Hintz

From: "Shell, Thomas (USMS)" <Thomas.Shell@usdoj.gov>
Date: Tue, 23 Aug 2011 18:19:46 -0500
To: Scott Hintz
Subject: RE: Subpoena

I'll get back with you tomorrow

From: Scott Hintz
Sent: Tuesday, August 23, 2011 7:02 PM
To: Shell, Thomas (USMS)
Subject: Re: Subpoena

Mr. Shell,

If the legal service is done through the US Attorney's Office, it uses federal taxpayer resources. It also falls under the federal rules of service of employees within the federal Richard B. Russell building as you explained to me recently.

For these reasons, I believe it makes much more sense to have PERSONAL service accepted off of federal property.

Exhibit A

Obviously, I want any personal service to comply with all laws and to ensure safety concerns are carefully addressed.

The "personal" knowledge comes from various times while they were not on federal property acting as judges .

Thank you, again, for understanding the reasons service must happen off federal property and served directly. Please advise as to how to best accomplish this task.

Sincerely,
Scott Hintz

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From: "Shell, Thomas (USMS)" <Thomas.Shell@usdoj.gov>

Date: Tue, 23 Aug 2011 17:48:10 -0500

To: Scott Hintz

Subject: RE: Subpoena

We understand that the reason you are issuing the subpoenas are for issues that you claim are, or were, outside the scope of their duties as federal judges. I understand that some of the events you are addressing occurred prior to their appointment to the bench. We clearly understand that you are distinguishing this from their role as judges. If you will deliver these items to the US Attorney's Office I can assure you that there will be proper service. If your goal is to get proper service, please deliver the subpoenas to the US Attorney's Office. There is no need for you or any representative to have personal contact with either of the judges.

From: Scott Hintz
Sent: Tuesday, August 23, 2011 6:30 PM
To: Shell, Thomas (USMS)
Subject: Re: Subpoena

Mr. Shell,

To ensure legal service is considered PERSONAL --and not in any way related to their office as 'judges'-- is it possible to effect any legal service on Alan Baverman (the individual) and Clarence Cooper (the individual) off of federal property and during non-work hours?

Thank you for your assistance in this matter.

Sincerely,
Scott Hintz

From: "Shell, Thomas (USMS)" <Thomas.Shell@usdoj.gov>

Date: Tue, 23 Aug 2011 17:22:19 -0500

To: Scott Hintz

Exhibit A

Subject: RE: Subpoena

The United States Marshals Service is responsible for the security of federal judges twenty four hours per day, seven days a week. If you comply with my request, there will be no expenditure of taxpayer funds or resources. Please give me a call.

From: Scott Hintz
Sent: Tuesday, August 23, 2011 6:18 P! M
To: Shell, Thomas (USMS)
Subject: Re: Subpoena

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Mr. Shell,

Are United States taxpayer money and resources going to be used to handle the "strictly PERSONAL" matters of Alan Bayerman (the individual) and Clarence Cooper (the individual) which occurred outside of their roles as judges and outside of the United States District Court of Atlanta?

Sincerely,
Scott Hintz

From: "Shell, Thomas (USMS)" <Thomas.Shell@usdoj.gov>

Date: Tue, 23 Aug 2011 17:09:31 -0500

To: Scott Hintz

Subject: RE: Subpoena

yes

From: Scott Hintz
Sent: Tuesday, August 23, 2011 6:06 PM
To: Shell, Thomas (USMS)
Subject: Re: Subpoena

Mr. Shell,

The previous subpoenas were quashed and are therefore now moot. Are you replying in regards to the email recently sent to AUSA Neeli Ben-David?

Sincerely,
Scott Hintz

From: "Shell, Thomas (USMS)" <Thomas.Shell@usdoj.gov>

Date: Tue, 23 Aug 2011 16:59:13 -0500

To: Scott Hintz

Exhibit A

Subject: Subpoena

Please give me a call at the below listed number sometime tomorrow 08/24/2011.

Thomas B. Shott

Deputy US Marshal

Northern District of Georgia

Desk: 404-730-9240 / Fax: 404-331-1699

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Exhibit A

From: Scott Hintz

Date: Wed, 24 Aug 2011 9:26:08 AM EST

To: Dennis C. O'Brien<obriendc.attorney@gmail.com>; Dennis C. O'Brien<obriendc1946@yahoo.com>; Dennis C. O'Brien<obriendc@bellsouth.net>

Reply-To: Scott Hintz

Cc: Leslie J. Abrams<leslie.abrams@usdoj.gov>; Alysun Laskowski<alysun.laskowski@usdoj.gov>; Karen Darden<karen.darden@usdoj.gov>; U.S. Magistrate Judge C. Christopher Hagy<c_christopher_hagy@gand.uscourts.gov>

Subject: Your conflicts of interest, your false statements, your crimes, and your refusals to provide client information.

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Mr. O'Brien,

On numerous occasions, and since your appointment as counsel in case #1:03-CR-131-99 on July 5th, I have requested your answers to very import conflict of interest issues.

Since July 6th, you have REFUSED to answer my questions, you have REFUSED to call me, you have REFUSED to provide me a copy of my client file materials and information (especially as relates to non-PACER habeas materials, notes and information), and you have REFUSED to present into the record motions and items of evidence known to you to be valid and ripe items to further my just interests.

You have also threatened me and others, and through the efforts of you and your associates have either encouraged people not to testify at all, or encouraged testimony that is not consistent with the whole truth. Because of your threats, other crimes, and your close association with other adverse parties, I requested you meet me, ANY day, at a local police department lobby to provide me my case materials and information. To date, you have refused to call or to provide me with my client file materials.

As the next court date (where we are adverse parties) will be upcoming soon, I respectfully demand you immediately provide me a copy of my complete client file materials and information.

Since you are an adverse party to me in various civil and criminal claims being pursued against you, and the record of case 1:03-CR-131-CC does not reflect your admitted ex-parte communications with the judges listed in the record of 1:03-CR-131-CC, I respectfully demand you immediately provide me the approximate dates and the content of any communications you (or anyone working with you) have made in regards to me or my case since June 2011 with any of the following people:

Judge Alan Baverman (both individually or as a judge), Judge Clarence Cooper (both individually or as a judge), Judge C. Christopher Hagy (both individually or as a judge), Judge Janet King (both individually or as a judge), Mark Kadish, Jerome Froelich, Robert Willison, Michael Garone, Paul Morochnik, and any individual who has an affidavit or statement listed in the record of 1:03-CR-131-CC.

I respectfully demand these items today.

Sincerely,
Scott Hintz

Exhibit A

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